

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE:) CASE NO. 14-10251
)
MICHAEL P. NAGLE) CHAPTER 13 PROCEEDING
)
Debtor.) JUDGE JESSICA E. PRICE SMITH

OBJECTION TO ALLOWANCE OF CLAIM

Now comes Debtor, by and through counsel, and hereby objects to the allowance of the following claim pursuant to 11 U.S.C. 502(a):

Court Claim Number 3-1, an Unsecured Claim filed by TD Bank USA, N.A. (the “Creditor”) in the amount of \$1,301.77 is improper. For cause, said debt was discharged in Debtor’s Chapter 7 Bankruptcy (Case # 09-18798) which was filed on September 17, 2009 and discharged on December 29, 2009. The “Account Summary” attached to the Creditor’s proof of claim states that the last payment on the account was made on November 12, 2006 which predates Debtor’s Chapter 7 bankruptcy filing.

WHEREFORE, Debtor respectfully requests that Claim No. 3-1 of TD Bank USA, N.A. be disallowed in its entirety.

Respectfully submitted

/s/ Charles J. Van Ness
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CERTIFICATE OF SERVICE

A copy of the aforesaid Objection was sent via first class U.S. Mail (or ECF) on November 12, 2014, to the following parties:

Craig Shopneck (via ECF)
Chapter 13 Trustee
ch13shopneck@ch13cleve.com

TD Bank USA, N.A.
c/o Weinstein, Pinson and Riley, PS
2001 Western Avenue, Suite 400
Seattle, WA 98121

/s/ Charles J. Van Ness
Charles J. Van Ness (0047365)
Attorney for Debtor